

REMARKS

Claims 1-64 are pending.

Claims 43-64 have been withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,636,852 issued to Gozdeck et al. (referred to herein as "*Gozdeck*"). Applicant respectfully traverses the rejection.

In general, *Gozdeck* relates to:

A computer-implemented method for computing the compensation for sales agents within a corporate sales force of a deploying company includes steps of creating one or more sales agent compensation plans tailored to provide an incentive for the sales agents to sell goods and/or services according to a corporate sales strategy." *Gozdeck*, Abstract.

The computer-implemented method for computing the compensation for sales agents of *Gozdeck* is intended to address the problem of sales agents "typically spend[ing] an inordinate amount of time estimating their compensation, time that should rather be expended in the field, selling the goods and/or services with which the sales agent is tasked with selling." *Id.*, col. 1, lns. 38-42. Thus, *Gozdeck* is targeted towards:

creating a sales agent compensation plan, the compensation plan being tailored to provide an incentive for the sales agent to sell goods and/or services according to a corporate sales strategy; storing the compensation plan within a database; providing remote access to the database via a computer network; enabling the sales agent to remotely access the database and to input past sales into the database and to input, qualify, modify and store future sales opportunities into the database; applying the past sales and future sales opportunities to the stored compensation plan to calculate a compensation for the sales agent and reporting the calculated compensation to the sales agent over the network. *Id.*, col. 2, lns. 5-18.

Gozdeck uses database 110 to store a compensation plan or plans "that the deploying company (the company deploying and implementing the methods and systems of the present invention) uses to determine the compensation of their sales agents." *Id.*, col. 3, ln. 65-col. 4, ln. 1.

Gozdeck further teaches that:

In broad terms, a compensation plan includes the conditions that a sales agent must meet to be paid compensation, and how much compensation is to be paid. Compensation plans may include a plurality of plan elements, including several revenue classes, quotas, transaction factors, incentives and/or compensation rates, for example. *Id.*, col. 4, lns. 1-6.

Notably missing from the admittedly “broad” teachings of *Gozdeck* including in the “broad” recitation of compensation plan elements is any mention of:

- (i) “a licensing module configured to determine if a party associated with said sales transaction has a valid license” (Claim 1);
- (ii) “a database source comprising a plurality of data objects representative of ... at least one license or appointment associated with said at least one distributing party;
a distributor management engine configured to ... determine whether ... said at least one license or appointment is valid” (Claim 12); or
- (iii) “a licensing and appointment module configured to determine if said at least one license or appointment data object associated with said at least one distributor is in compliance with a set of industry regulations” (Claim 32);

An obviousness rejection under 35 U.S.C. § 103 requires an evaluation “of the claimed invention as a whole.” *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966), 148 USPQ 459, 476 (1966). Applicants respectfully submit that *Gozdeck* lacks any teachings or suggestions, explicitly or inherently, related to “a licensing module” (as recited in claim 1), “data objects representative of ... at least one license or appointment ... and a licensing and appointment module” (as recited in claim 12), or “a licensing an appointment module” (as recited in claim 32).

Gozdeck focuses on technology to allow a company to determine, and the sales representatives to easily view, compensation information. However, *Gozdeck* fails to teach or suggest a key component addressed by the technology taught by the present application: “managing regulatory information and ensuring that distributors are licensed and appointed to sell the products manufactured by the provider” (Present Application, p. 17, lines 9-10) and “regulatory

constraints upon product sales” (Present Application, p. 16, line 15). Thus, not only does *Gozdeck* lack any teachings or suggestions of the claim elements set forth in claims 1, 12, and 32 above, these claim elements themselves are non-trivial, significant components of a solution that addresses problems of regulation by licensing and/or appointments not comprehended by *Gozdeck*.

Applicants note that the Examiner has identified inherent teachings of *Gozdeck*. Namely, the Examiner states that “the sales database would inherently comprise modules and selling agreements used to determine compensation between the sales agent and another party (corporation), while using a processor and memory would have been obvious to one of ordinary skill in the art when reviewing the computer system disclosed.” Office Action, p. 4, para. 6 (emphasis added). Even assuming the validity and a broad interpretation of such inherent teachings of *Gozdeck*, such inherent teachings by their nature fail to teach or suggest “a licensing module” (as recited in claim 1), “data objects representative of ... at least one license or appointment ... and a licensing and appointment module” (as recited in claim 12), or “a licensing an appointment module” (as recited in claim 32)” that can be used, for example, to address the not insignificant regulatory constraints upon the sales of some products.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1, 12, and 32 for at least the reasons set forth above. Applicants also respectfully request withdrawal of claims dependent upon claims 1, 12, and 32 for at least the same reasons presented for claims 1, 12, and 32.

(Note: the invention is limited by the claims and not by specific embodiments contained in the Detailed Description of the Present Application).

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 12, 2005.



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Date of Signature

Respectfully submitted,



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